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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,153	10/30/2001	Karl A. Bernetic	01-194/009873 (BOE 0279 P	1342

7590

01/15/2003

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EXAMINER

BOSS, WENDY L

ART UNIT

PAPER NUMBER

1775

DATE MAILED: 01/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/021,153

Applicant(s)

BERNETICH, KARL A.

Examiner

Wendy Boss

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-9, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 6 recites the limitation "said liquid resin" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 6 recites the limitation "said at least one dry face ply" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 7 recites the limitation "said liquid resin" in 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 7 recites the limitation "said at least one dry face ply" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 8 recites the limitation "said liquid resin" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 8 recites the limitation "said at least one dry face ply" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 9 recites the limitation "said at least one adhesive layer" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

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10. Claim 21 recites the limitation "said applying liquid resin" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 22 recites the limitation "said applying liquid resin" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,567,499 (Cundiff et al.).

Cundiff discloses a hollow core composite assembly comprising a honeycomb core including at least one open core surface; and at least one solid film applied to the open core surface (see column 8, lines 52-61; and Figures 1-3). Cundiff further discloses at least one adhesive layer positioned between the solid film and the open core surface (see column 8, lines 55-57; and Figures 1-3). The reference also discloses a plurality of dry face plies laid up dry and placed on the solid film; and a liquid resin applied to the dry face plies and then cured (see column 8, line 59 through column 9, line 22). It is also disclosed by Cundiff that the liquid resin is applied to the dry face ply using vacuum assisted resin transfer molding (see column 9, lines 8-

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30). The at least one adhesive layer disclosed in the Cundiff composite is an uncured adhesive film (see column 7, lines 64-66).

Cundiff also discloses a method of producing a hollow core composite assembly comprising applying a film adhesive to an open core surface of a hollow core base; and applying a solid film to the open core surface. The method disclosed in the reference also includes the steps of laying up at least one dry face ply on top of the solid film; applying liquid resin to the at least one dry face ply; and curing the hollow core composite assembly (see column 8, line 59 through column 9, line 22). The step of applying liquid resin in the Cundiff reference is accomplished utilizing a vacuum assisted resin transfer molding process (see column 9, lines 8-30).

Cundiff does not specifically disclose that the liquid resin is applied to the dry face ply using vacuum assisted resin infusion, as recited in claim 8; however, patentability of an article depends on the article itself and not the method used to produce it (see MPEP 2113).

14. Claims 1, 2, 5, 9, 10, 17, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,569,508 (Cundiff).

Cundiff discloses a hollow core composite assembly comprising a honeycomb core including at least one open core surface; and at least one solid film applied to the open core surface (see column 7, lines 36-54). Cundiff further discloses at least one adhesive layer positioned between the solid film and the open core surface (see column 7, lines 45-54).

Cundiff also discloses a method of producing a hollow core composite assembly comprising applying a film adhesive to an open core surface of a hollow core base; and applying a solid film to the open core surface. The step of applying liquid resin in the Cundiff reference is

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accomplished utilizing a vacuum assisted resin transfer molding process (see column 7, lines 6-32).

15. Claims 1, 2, 9, 10, 17, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,897,739 (Forster et al.).

Forster discloses a hollow core composite assembly comprising a honeycomb core including at least one open core surface; and at least one solid film applied to the open core surface (see column 4, lines 51-55; and Figure 3). Forster further discloses at least one adhesive layer positioned between the solid film and the open core surface (see column 4, lines 51-63).

Forster also discloses a method of producing a hollow core composite assembly comprising applying a film adhesive to an open core surface of a hollow core base; and applying a solid film to the open core surface (see column 4, lines 51-63). Forster further discloses that the composite assembly may be formed by a resin transfer molding process, or a vacuum assisted resin transfer molding process (see column 4, lines 30-33).

16. Claims 1, 2, 9, 10 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,117,518 (Cawse et al.).

Cawse discloses a hollow core composite assembly comprising a honeycomb core including at least one open core surface; and at least one solid film applied to the open core surface (see column 4, lines 18-23; and Figure 1). Cawse further discloses at least one adhesive layer positioned between the solid film and the open core surface (see column 4, lines 24-31; and Figure 1).

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Cawse also discloses a method of producing a hollow core composite assembly comprising applying a film adhesive to an open core surface of a hollow core base; and applying a solid film to the open core surface (see column 4, lines 18-31).

17. Claims 1, 2, 5, 9, 10 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,440,521 (Moore).

Moore discloses a hollow core composite assembly comprising a honeycomb core including at least one open core surface; and at least one solid film applied to the open core surface (see column 2, lines 32-46; and Figure 2). Moore further discloses at least one adhesive layer positioned between the solid film and the open core surface (see column 2, lines 40-43).

Moore also discloses a method of producing a hollow core composite assembly comprising applying a film adhesive to an open core surface of a hollow core base; and applying a solid film to the open core surface (see column 2, line 32 through column 3, line 4).


### *Conclusion*

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wendy Boss whose telephone number is 703-306-5922. The examiner can normally be reached on M-Th 8:30a-6:00p; 2nd F 8:30a-5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 703-308-3822.



Wendy Boss  
January 10, 2003



DEBORAH JONES  
SUPERVISORY PATENT EXAMINER